The Quid Novi

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LETTER FROM THE EDITOR

Pablo Mhanna-Sandoval | 2L

I would like to express my sincere gratitude to those members of the Faculty that attended the Quid Novi's AGM this past Thursday. It was a pleasure to meet face-to-face with so many of the talented and assiduous law students that make the Quid possible.

Without engaging in exceptionalism, I really wish to stress how talented members of this community are. Further, the breadth of the disciplines represented in that talent is astonishing. The Faculty is populated with maddeningly good singers and musicians, intimidatingly adept athletes, and side-splittingly (sometimes unintentionally) funny comedians. One can only imagine where this lot would be had they not heeded the perfectly reasonable siren call of the law.

If only there was a yearly event that promised to showcase the Faculty's talent in a comedic and jovial environment. If only a decades-long tradition passed down to us by our Faculty ancestry promised an evening of art and laughs and self-deprecation, all within an impressive venue. And if only auditions for such an event–if it even exists–would be annouced within the next few weeks. What a sight that would be.

Ah, well. No use engaging in fantastical thought exercises. Please enjoy this week's edition of the Quid Novi.

The Quid Team sends their deep thanks to our kind sponsor for the month of January

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KNOWN UNKNOWNS

Navigating Opportunities at the McGill Faculty of Law

Nicolas Kamran | 4L

As my time in law school draws to a close, my life has undergone something of a strange transformation: my advice, for once, is *not* unsolicited. It is with this in mind that I have asked the Quid to grant me the temporary privilege of self-plagiarism. Some time ago, I wrote a brief advice column on navigating opportunities at the McGill Faculty of Law. I do not know whether anyone really got around to reading it, or whether anyone found it useful—but since then I have found myself repeating the article *verbatim* around the Faculty whenever asked about jobs and research, and figure that it would perhaps be of use to reprint it in whole here. Before doing so, however, I enjoin you to consider the following: advice is always helplessly personal, and part of figuring out law school is to learn how to navigate things *your* way. What follows is but one road travelled.

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At the outset of any new experience, "not knowing what you do not know" can be unsettling. This holds true for law school. In hopes of making students' lives a little easier, I want to share some advice on how to navigate law school opportunities. Of course, anything I tell you is informed and limited by my personal experience. I am bound to leave out, mischaracterize, and forget things about each opportunity. As such, I would encourage you to consult these things with people whose judgement you value. I am also leaving out some important opportunities for lack of time, space, or personal experience with them. These include, but are not limited to, organized recruitment, moots, clerkships, legal clinics, and the LSA. I have deliberately omitted clubs/collectives from here as well. There are so many clubs at McGill Law that you are bound to find something interesting and meet lovely people—and you should check out the kiosks on "Clubs Day" for more information!

(1) Summer Jobs after 1L

Do I need to work a "law job" in my 1L summer? If you find an interesting job that aligns with your career goals, I would certainly not discourage you from taking it. That is the path I chose. All this being said, my friends who did not work law jobs in 1L are thriving too. Some travelled, others worked at camps, and several worked service-related jobs in the city. To this day, I have not seen a potential employer use their lack of law-related experience against them. If anything, employers appreciate diverse ranges of experience. What matters is what you personally retain from whatever you do, and less what it looks like on paper. People can tell the difference. **How do I find a job?** A solid place to start is the emails sent by the Career Development Office (CDO). They include opportunities in several fields and locations—including research assistant positions here at McGill Law. I know that many people barely touch their inboxes, but you would do well to skim them at least. A second option is the Faculty of Arts Internship Office. They have postings in fields ranging from human rights and diplomacy to community organizing and advocacy. Several of your peers have obtained really interesting jobs through the Office, so I would encourage you to reach out to them for a more comprehensive look into it. A third option is the IHRIP offered by the Centre for Human Rights and Legal Pluralism (CHRLP). The program offers diverse opportunities in the human rights field all over the world, and it would be impossible to provide a full picture of what they entail. Nonetheless, I know that many (including myself) have found meaningful, transformative opportunities through the IHRIP.

(2) Law Journals

What does being in law journal entail? Every law journal will vary according to their capacity and organizational structure. The McGill Journal of Sustainable Development Law (MJSDL), McGill Law Journal (MLJ), McGill Journal of Law and Health (MJLH), McGill Journal of Dispute Resolution (MJDR), and McGill Journal of International Law and Legal Pluralism (Inter Gentes) do not have the same resources, cover the same subject matter, and do not receive equal amounts of credits among their editorial and management teams. With that said, there are some baseline commonalities between them. Their editorial teams review footnotes for their citation style, accuracy, and usefulness, critically assess pieces for the quality of their scholarship, and run copy-edits to review their grammar and sentence structure. Management teams will run the more "business" side of the journal. This includes hosting events, handling subscriptions, and completing more corporate-related tasks (e.g., funding and taxes). In terms of time commitment, I cannot speak with any certainty about the journals for which I have never worked. At the MJSDL, however, I can say that associate editors will generally work a maximum of 4–6 hours per week, senior editors slightly more, and Executive Editors anywhere between 15–20. For Editors-in-Chief, it is essentially a full-time job.

Should I join a law journal? There are obvious and immediate benefits to joining a law journal. Speaking for the editorial side, you will develop a keen eye for detail, sharpen your abilities to critically assess ideas, master legal citation, and learn how to find useful and relevant sources. All these are likely to make you a better student, researcher, and potential employee—and a more attractive candidate for virtually any job. With that said, there are two main drawbacks to joining a law journal. The first is more relevant for those who go on to executive positions: it may eat up your non-course credits. You only have 15 non-course credits at your disposal here at the Faculty of Law, and no shortage of opportunities to use them

(legal clinics, moots, clerkships, IHRIP, group assistant work). Keep in mind that you cannot do everything. The second is a more pervasive problem: it is unpaid labor. For credited positions, you are even paying to work. I would be lying if I said that I had a solution for this issue—I need more time to think about it and will therefore abstain from proposing any policy on this matter. Nevertheless, there is no going around the fact that you are not receiving financial compensation for your labour.

How do I join a law journal? All law journals except for the MLJ host recruitment periods in the beginning of the Fall term for students of all years. The MLJ does not take 1L students and hosts their recruitment period throughout the Winter term for 2L and 3L students exclusively. Given that the MLJ is a 2-year commitment, 3L applicants must stay on for an entire fourth year.

(3) Group Assistants (GAs)

What does being a GA entail? The specific tasks demanded of GAs vary between courses and professors. However, I will try to be as accurate as I can in describing the general experience. GAs assist instructors with in-class activities, answering student questions, and providing individual feedback. Typical tasks include holding office hours, commenting on ungraded in-class assignments, and holding exam-prep Q&A sessions. Some professors expect regular classroom attendance from GAs, while others do not. GAs are meant to work a limited amount of hours during the term (enough to earn their 2 credits), but this number is regularly exceeded or not met. Crucially, GAs are not TAs: they rarely design course material, deliver lectures, and do not grade assignments.

Should I be a GA? I thoroughly enjoyed being a GA and think that it is one of the most worthwhile things to do at the Faculty of Law. You only get so many chances to help students out (especially 1Ls) on such a scale, and those chances are something to cherish. I also felt that providing feedback to students gave me better insight into how it feels to grade assignments—and therefore a greater understanding of what professors are looking for in examinations. I am an unquestionably better student for having been a GA. With that said, you will run into the exact same issues as when you join a law journal: non-course credits and unpaid labour.

How do I become a GA? Professors and the SAO will send out an email before the beginning of the course in question asking for GA applications. If you did well in the course and/or have a good relationship with the instructor, you will have a decent chance of obtaining the position.

(4) Research Assistants (RAs)

What does being an RA entail? RAs generally help professors advance their research agenda—typical tasks include footnote edits, literature reviews, case law analysis, and memos. Beyond that, you may be invited to help write articles, book chapters, and even contribute to more public-facing work like op-eds and symposium presentations. Hours and pay depend on the professor and the work contract you sign with the University. Students with post-graduate degrees are typically better paid.

Should I be an RA? If you are interested in a professor's work, there are few opportunities more worthwhile than being an RA. It is a fantastic way to get involved in cutting-edge scholarly debates, learn more about something you care about, and sharpen virtually every academic skill you have. Another advantage is simply getting to talk to your professors more. I realize that this may not be an exciting prospect to many—but I have found that conversing with professors has taught me how to ask better questions, and that's an invaluable skill regardless of your career aspirations.

How do I become an RA? 12Twenty and Workday Careers regularly host RA offers throughout the year. Another option is to email professors whose work you admire and ask them whether they are currently looking for research assistants. It can certainly be a daunting task—but if you are genuine and kind, you should have no reason to worry.

(5) Term Papers

What is a term paper? You can write an 8,000–10,000-word paper over a term under the individual supervision of a professor for 3 credits. Students write term papers for a whole host of reasons. Namely, because it satisfies the writing requirement for your degree, is not subject to enforced McGill Law grading averages, and is a great opportunity to work closely with a professor. To my knowledge, you can write 3 term papers during your degree.

How do I pick a supervisor? If you have done well in a particular professor's course, or are interested in their research, you should email them during the term prior to which you want

LE QUID EST À LA RECHERCHE DE CHRONIQUEURS FRANCOPHONES

NOUS RECHERCHONS DES CHRONIQUEURS ET CHRONIQUEUSES FRANCOPHONES POUR SE JOINDRE À NOTRE ÉQUIPE! LES CHRONIQUEURS ET CHRONIQUEUSES SONT RESPONSABLES DE LA SOUMISSION RÉGULIÈRE DE CONTRIBUTIONS AU QUID. C'EST UN POSTE IDÉAL POUR PRATIQUER VOS COMPÉTENCES EN ÉCRITURE OU VOTRE LANGUE SECONDE ET PEUT-ÊTRE ACQUÉRIR UNE CERTAINE NOTORIÉTÉ AUPRÈS DE VOS CAMARADES DE CLASSE!

VOUS AVEZ SEULEMENT BESOIN DE CONTRIBUER UN ARTICLE AU QUID À CHAQUE TROIS SEMAINES.
SI ÇA VOUS INTÉRESSE, ENVOYEZ UN COURRIEL À QUID.LAW@MCGILL.CA .

to write your paper. They may accept or refuse to supervise you depending on their prior engagements, your pre-requisites (you should probably not propose a paper topic on IP Law without having taken IP), and the feasibility of your topic. Be sure to generally ask around about professors' style of supervision, for your term paper experience will vary depending on who you have chosen. Some are more hands-on: they will help shape your arguments, provide you sources, and expect regular updates on progress. Some are more hands-off, and will do none of that. Many are flexible vis-à-vis topics, form, and word counts. Others are fairly rigid. It would be a great idea to get a feel for these things before starting.

How do I pick a topic? A lot of student papers aim to summarize the main points of view surrounding a certain issue, which can be easy to write and research, especially if it's a well-known issue. But it may also leave little room for originality, and that can hurt you in the end. Other people write papers that advance a novel argument about a given issue. This can make for creative and valuable writing but is obviously harder to do. In either case you will need to substantiate your claims—but advancing something genuinely new can feel like walking on a tightrope. Usually, people write to fill "gaps in the research". This means advancing a specifically unexplored claim within a broader (and more established) analytical framework. Doing so can be a solid starting point. But I would urge caution: the narrower the better. People may disagree with me about this, but I find that an in-depth analysis of a niche topic is more valuable than a surface-level take on something broad. Of course, this is not zero-sum. Still, my general take is that there is always way more to write on something than you think.

I hope that what I offered here can be of use to you! It should go without saying that you are likely to encounter many of the above points in conversation with other students, and they will all have their specific ways of formulating and embodying them. Other points will be outright contradicted. Every student will need to find their way, and so it goes with you.

LA COMMON LAW, C'EST UNE FEMME!

Ordren Deko | 3L

Quoiqu'elle ne soit pas la seule, la langue française est obsédée par le genre. Chaque mot y compris les noms des pays doit s'intégrer parfaitement dans l'une des deux boîtes : féminin ou masculin. Pourtant, cette classification ne s'agit pas d'une science exacte. Tout au long des XVIe et XVIIe siècles, les hommes grammairiens ont inventé des règles prescriptives dictant que le masculin devait être le genre grammatical par défaut utilisé pour décrire les groupes mixtes – en d'autres termes, un homme et mille femmes deviennent « ils »[1]. Hormis cela, rien n'a été énoncé comme une sorte de régime sur la « standardisation du genre » des mots, en particulier des néologismes. Ce manque de conseil veut dire que des mots comme « virilité »[2] sont féminins malgré leur signification !

Certes, il n'existe pas de logique derrière le genre d'un nom, mais la catégorisation continue à nous fasciner, à nous forcer à poser des questions. C'est exactement le cas avec LA « common law », une familiarité dans notre lexique juridique. Comment se fait-il que la common law soit féminine tandis que le droit civil est masculin ? Ici, il se trouve que « law » est phonétiquement proche de « loi » qui est féminine. Mais aussi, se rappeler que « common law » dérive de l'ancien français « commune ley » est tout aussi utile pour comprendre pourquoi le mot est féminin parce que « ley » est l'ancienne forme de « loi ».

Néanmoins, la féminisation de la « common law » reste intéressante à étudier car elle existe au-delà de la phonétique. Le genre du mot est également ancré dans sa conceptualisation. Dans l'anglosphère, on le perçoit comme incarnant l'esprit d'une femme. Professeure de langues de Nantes Université Isabelle Richard présente un aperçu de cette distinction. Dans son article intitulé « Le Common Law est une femme... et quelle femme ! » Richard explique que cette association au féminin a été amorcé par Frederick Pollock, l'un des plus grands juristes anglais du XXe siècle. C'est au cours d'une série de conférences à l'université Columbia que Pollock ne cessera de peindre une image féminine de la common law. Il a invoqué le syntagme « *Our Lady the Common Law* » vingt-neuf fois pendant ses discours, mais aussi il faisait référence à une guerrière, une femme asexuée, et une mère féconde et protectrice. Richard avance aussi que ces métaphores ont été adoptées par les avocats et les écrivains dans les années à venir solidifiant la féminité de la common law.

Des gens comme Pollock veulent humaniser le droit afin de le rendre plus noble. La recherche d'Isabelle Richard met en évidence alors l'héritage durable de l'anthropocentrisme et le fait que même le langage – une collection de sons inanimés et immatériels – n'est pas à l'abri d'une telle vision du monde. Son article met en lumière l'ironie de la profession juridique qui, d'un côté, vénère la femme et, de l'autre, l'excluait historiquement de la pratique du droit. Au fond, cependant, l'enquête sur LA common law révèle la fluidité du genre qui est au cœur de nos identités humaines. Quant à la langue française, elle connaît actuellement une tendance à la terminologie épicène, le pronom « iel » faisant l'objet d'une grande attention de la part des linguistes contemporains. Il sera intéressant de voir si un tel changement aura également un impact sur les noms non humains. À l'heure actuelle, cependant, il est certain que LA common law est UNE femme.

[1] Voir Celine Labrosse, *Pour une grammaire non-sexiste*, Montréal, Éditions du Remue-Ménage, 1996 aux pp 27–29.

[2] *Masculinity* en anglais.

LCM AVOCATS ATTORNEYS

Lunch and Learn

Wednesday January 31st from 1:00pm - 2:30pm
CDH 102

La pratique du litige civil et commercial vous intéresse? Venez en apprendre davantage sur ce domaine de pratique dans un cabinet boutique avec deux sociétaires seniors de LCM Avocats à Montréal, Jean Teboul (B.C.L./LL.B. 2014) et Alexandra R. Lattion (B.C.L./LL.B. 2012).

Interested in civil and commercial litigation? Join us and learn more about this area of practice in a boutique-type firm with two senior associates from LCM Attorneys in Montreal, Jean Teboul (B.C.L./LL.B. 2014) and Alexandra R. Lattion (B.C.L./LL.B. 2012).

Registration on 12Twenty:
01/05/2024 - 01/25/2024
Chancellor Day Hall, room 102

NATIONAL BAGEL DAY

Jessica Keer Li | 3L

While January 15th might have seemed like your ordinary, run-of-the-mill Monday, a day for adjusting your course schedule before the Add/Drop deadline, or even simply a time to reflect on weekend choices, unbeknownst to many, this past Monday marked a significant date in the culinary world: National Bagel Day. As Montrealers, we share common ground in a few select experiences, but none more prominent than the allure of warm, fresh, doughy bagels. These bready delights occupy a special place in the heart of the city, rivalling other culturally unifying moments such as the Montreal Canadiens' appearance in the 2021 Stanley Cup Finals, the collective disdain for the infamous downtown potholes, or the quintessentially bilingual greeting of "Bonjour, Hi" that echoes across the city. However, in the spread of Montreal's rich cultural history, the bagel stands out not only as a beloved culinary item but also as a powerful symbol of the community's shared heritage and identity.

A Recipe with History: The Origins of the Montreal Bagel

In the early 20th century, the bagel made its way to North America by Jewish immigrants from Eastern European countries. The identity of the person or institution responsible for introducing the bagel to Montreal remains a topic of hot debate and historical ambiguity. Many historians consider Chaime Seligman to be the father of the Montreal bagel as he initially sold them from a carriage before opening a bakery on Saint-Laurent Boulevard in 1900. Conversely, it is commonly believed that Isadore Shlafman and Jacob Drapkin pioneered the bagel in Montreal in 1919 by establishing their bakery in a back alley off Saint-Laurent Boulevard. Following a disagreement, Shlafman moved to Fairmount Avenue and founded the Fairmount Bagel Bakery in 1949. In 1953, another key player in the Montreal bagel history, Myer Lewkowicz, started working for Seligman. By 1957, he opened his own bagel shop on Saint-Viateur Street and named it, you guessed it, St-Viateur Bagel. Despite the debate surrounding Seligman's, Shlafman's, Drapkin's and Lewkowicz's, all bagels adopted a similar preparation method. Each Montreal bagel is handcrafted and poached in honey water before being baked in a wood-fired oven. This process imparts the bagel with its distinctive chewiness, a golden crust, and a subtly sweet flavour, setting it apart from its New York counterparts.

A Fork in the Road: St-Viateur v. Fairmount Bagels

Delving into Montreal's bagel history sets the stage for the classic culinary conundrum in the city: determining the supreme bagel institution. This bagel showdown revolves around the two generationally run establishments, Fairmount Bagels and St-Viateur Bagel. While Fairmount can boast that their bagels have gone to space as the owner's astronaut cousin brought them to the International Space Station, St Viateur asserts that they are Montreal's longest continuously running bagel outfit, since Fairmount was closed for a period. In terms of taste, Fairmount bagels are just a smidge sweeter, and some suggest have a smokier taste compared to St-Viateur's. However, the debate rests on personal preference, and one can't really go wrong with either.

If you find yourself sitting idle on a Sunday afternoon and are looking for an activity idea to step out of the house, I suggest immersing yourself in the great Montreal bagel debate. Take a stroll in the Mile-End and sample a bagel from both St-Viateur and the Fairmount (sesame, hot, straight out of the brown paper bag, with a smear of cream cheese). Witnessing the hand-rolling process, the honey water bagel bath and large wood-burning ovens in this labour of love is truly impressive and a must-do on the Montreal bucket list. The two bagel institutions are a 10-minute walk away from one another, according to Google Maps, and the Mile-End neighbourhood is lively and filled with cute coffee shops and interesting boutiques.

Happy (late) National Bagel Day to all those who celebrate!

FORCED RETURN

Crisis over Pakistan's Mass-Expulsion Campaign

Megan Campbell | 1L

"Forty years ago, we lived in tents," Gul Khan Kaka says, "and now we find ourselves in tents again."[1] At age 62, Kaka has been made a refugee twice-over. In Kaka's early twenties, the Soviet invasion of Afghanistan forced him across the border into Pakistan. Today, he is one of over 1.7 million Afghan nationals at risk of expulsion following the Pakistani government's crackdown on irregular migrants.[2] As human rights groups condemn the government's abuses, the West must examine its own culpability in the on-going crisis.

Tensions surrounding migration have long run high in Pakistan. Since the 1970s, they have hosted over 3.4 million people fleeing Afghanistan – one of the largest refugee populations in the world.[3] Since the Taliban's rise to power in Afghanistan in August 2021, 1.6 million Afghans have fled into neighbouring countries – 700,000 of whom settled in Pakistan.[4]

The recent influx has fueled anti-migrant sentiment in Pakistan, which reached a boiling point this fall. On September 17, 2023, the Pakistani government issued an ultimatum to anyone residing in the country without legal status. Any "unregistered foreign nationals" were required to leave the country by November 1st or be subject to forced deportation[5]. Since the deadline, the government has begun a campaign of mass-detention at deportation centres.

Many individuals fleeing Afghanistan face imminent danger, including human rights activists, critics of the Taliban, and former foreign government collaborators. For women, returning to Afghanistan also guarantees major deprivations of liberty. Livia Saccardi, Amnesty International's Deputy Regional Director for Campaigns for South Asia, explained that "[i]f the Pakistani government doesn't halt the deportations immediately, it will be denying thousands of at-risk Afghans, especially women and girls, access to safety, education and livelihood."[6]

While deported refugees face serious dangers in Afghanistan, the crackdown has also created significant dangers for Afghan nationals who manage to remain in Pakistan. The government has issued notices that subject anyone found to be assisting individuals without legal status to fines or arrest.[7] Given their precarious situation, the undocumented Afghans are subject to exploitation by local authorities. Describing the climate for those remaining in Pakistan, one Afghan man detained in Islamabad explains "[t]here is a sense of fear among the Afghan community… we live in constant anxiety, we lock our doors as soon as we hear any police cars in the area."[8]

Human rights groups have raised concerns about the government's violation of international law. The lack of transparency surrounding deportation proceedings is alarming. The government has barred journalists from entering the 49 detention centres holding Afghan nationals, and no information is being transmitted to the families of those detained[9]. By knowingly returning Afghans to a country in which they will be subject

As the crisis unfolds, eyes have turned to governments across Europe and North America. They made vocal commitments to the Afghan people following the hasty U.S. withdrawal from Afghanistan in 2021. Many states which promised to take in Afghan asylum-seekers encouraged them to first relocate to Pakistan, whose diplomatic relations with the West could facilitate their ultimate resettlement. Given the history of anti-migrant sentiment in Pakistan, the risk of expulsion in this plan should have been apparent. Other expulsion campaigns have taken place across Pakistan for decades, since the first wave of Afghan migrants in the 1970s, including the largest mass-deportation campaign in modern history in 2017.[10] Receiving legal status is notoriously difficult for Afghans in Pakistan, because of the many economic and bureaucratic barriers in the Pakistani visa process. Any plan which entailed significant numbers of undocumented Afghans living a migrant-hostile climate carried a risk of refoulement. Thus, Western states have a particular obligation to expedite their resettlement processes beyond the current pace. While delays were never tolerable, they are now deadly.

[1] Khudai Noor Nasar, "'In tents again': Life comes full circle for Afghans expelled from Pakistan | Refugees | Al Jazeera", (16 November 2023), online: <https://www.aljazeera.com/features/2023/11/16/in-tents-again-life-comes-full-circle-for-afghans-expelled-from-pakistan>.

[2] Bill Frelick, "As Gaza Burns, Other Countries Are Quietly, Illegally Dumping Refugees | Human Rights Watch", (10 November 2023), online: <https://www.hrw.org/news/2023/11/10/gaza-burns-other-countries-are-quietly-illegally-dumping-refugees>.

[3] "Pakistan: Drop Threat to Deport Afghans | Human Rights Watch", (12 October 2023), online: <https://www.hrw.org/news/2023/10/12/pakistan-drop-threat-deport-afghans>.

[4] The UN Refugee Agency, "Afghanistan Refugee Crisis Explained", (18 July 2023), online: <https://www.unrefugees.org/news/afghanistan-refugee-crisis-explained/>.

[5] Amnesty International, "Pakistan: Halt mass detentions and deportations of Afghan refugees", (10 November 2023), online: <https://www.amnesty.org/en/latest/news/2023/11/pakistan-halt-mass-detentions-and-deportations-of-afghan-refugees/>.

[6] *Ibid.*

[7] *Ibid.*

[8] *Ibid.*

[9] *Ibid.*

[10] Gerry Simpson, "Pakistan Coercion, UN Complicity" (13 February 2017) Human Rights Watch, online: <https://www.hrw.org/report/2017/02/13/pakistan-coercion-un-complicity/mass-forced-return-afghan-refugees>.

REFUGEE CRISIS IN THE DEMOCRATIC REPUBLIC OF CONGO

Causes, Consequences and Current Effects

Ruchama Botat | 3L

Many Congolese are currently internally displaced or displaced in neighboring countries. In this blog post, the causes of this refugee crisis will be detailed as well as its consequences, and the current efforts by numerous organizations to remedy the crisis.

Causes of the refugee crisis

As of February 2023, 5.8 million Congolese are internally displaced while over 1 million are refugees and asylum-seekers in neighbouring countries.[1] This current refugee crisis is a continuation of the most complicated and protracted humanitarian crisis in Africa as well as the fourth greatest internally displaced persons (IDP) catastrophe worldwide.[2]

The violence experienced in the Democratic Republic of Congo (DRC) since its independence is the main driver of the refugee crisis.[3] Since the late 1990s, the DRC has been dealing with continuous national conflicts.[4] As the years progressed, the violence became localized into civil wars in specific regions. These conflicts center on resources, power, and land.[5] In January 2023, violent conflicts erupted in the Ituri and North Kivu provinces by non-state armed groups.[6] In response to these conflicts, many civilians had to flee.[7] Not only do the violent conflicts cause displacements, but the dire state of the land after these wars also causes Congolese to flee to other regions and countries.[8] Despite ceasefires, citizens are forced to leave the previously war-torn region if their land and possessions cannot be retrieved and there is no food to ensure their livelihood.[9]

The COVID-19 pandemic, as well as Ebola and measles outbreaks in the DRC further aggravated the refugee crisis in the country.[10] In May 2021, even more Congolese were displaced as a result of the eruption of the Mount Nyiragongo volcano in the eastern region of DRC.[11] Overall, the refugee crisis caused by incessant violence in DRC and the effects of these conflicts is further exacerbated by health crises and natural disasters.

Consequences of the refugee crisis

This refugee crisis in the DRC has far-reaching consequences. Firstly, the violent conflicts that caused the

[1] See "Emergency Appeal: DR Congo Emergency" (2023), online: United Nations High Commissioner for Refugees < https://www.unhcr.org/emergencies/dr-congo-emergency>.

[2] See "Democratic Republic of the Congo Refugee Crisis Explained" (2023), online: United Nations High Commissioner for Refugees <https://www.unrefugees.org/news/democratic-republic-of-the-congo-refugee-crisis-explained/#:~:text=More%20than%206.2%20million%20people,2>.

[3] *Ibid.*

4 See "The DRC crisis, explained" (2021), online: Concern Worldwide <https://www.concern.net/news/drc-crisis-explained>.

[5] *Ibid.*

[6] *Supra* note 1.

[7] *Ibid.*

[8] *Supra* note 4.

[9] *Ibid.*

[10] See "Democratic Republic Of The Congo: Regional Refugee Response Plan" (2022) at 7, online (pdf): United Nations High Commissioner for Refugees <https://data.unhcr.org/en/documents/details/92157#:~:text=The%202022%20Regional%20Refugee%20Response,%2C%20Tanzania%2C%20Uganda%20and%20Zambia>.

[11] *Ibid.*

massive displacements resulted in the destruction of civilians' homes, schools, and livelihoods.[12] It is estimated that children displaced by these conflicts have not attended school for at least a year.[13] Over half a million African refugees were being accommodated in the DRC as of June 2023.[14] In that context, the recent refugee crisis puts extra pressure on the available resources such as food, shelter and medical supplies. [15]

Another consequence of the refugee crisis is the food insecurity caused by the limited access to farming land during the conflicts.[16] More than 25 million people in the DRC struggle to access enough food to sustain themselves.[17] Many displaced Congolese are forced to live in makeshift homes that are not equipped for extreme weather.[18] As a result of the poor sanitary conditions, cholera outbreaks are occurring in IDP's camps.[19]

It is imperative to speak on the gendered consequences of the refugee crisis in the DRC. Women and girls are more vulnerable to sexual and gender-based violence such as rape, sexual exploitation, and abuse.[20] Some displaced Congolese women even engage in transactional sex to ensure their food security.[21] Children are also at risk for sexual assault, abduction, and recruitment into armed groups.[22] Essentially, the massive displacement of Congolese within the country and to neighbouring African countries continues to cause dire consequences.

Current efforts to resolve the crisis

Despite the dreadful consequences of this long-standing refugee crisis, the DRC is not receiving the international attention it needs. It is estimated that five donors are responsible for 80% of the funding received by DRC.[23] To further emphasize this issue, so far in 2023, the DRC has received only one third of its necessary funding.[24]

That being said, many NGOs are attempting to support this African country. Since 2001, the Norwegian Refugee Council has been a major responder in the Democratic Republic of the Congo, offering aid to displaced individuals through various means such as education, water and sanitation, shelter, and security. [25]Also, Mobile Rapid Response teams have been established by Concern, an international humanitarian organization, to address the current nationwide displacements.[26] These teams offer immediate assistance to people escaping natural disasters or violence, enabling them to purchase food, get clean water, and acquire hygiene kits. [27]

Unfortunately, the distribution of humanitarian aid in the DRC is severely hampered by the deterioration of the country's road infrastructure as well as the state of most of its provinces' airports and bridges.[28] Because of the bad state of the roads, several areas are inaccessible during the rainy season.[29] In addition, given the occurrence of violence in certain regions, many humanitarian workers have been harmed.[30] As such, there remains significant barriers to humanitarian aid, despite many organizations' attempts to support Congolese through this unprecedented refugee crisis.

Conclusion

The refugee crisis in DRC is a long-standing and complex situation. This crisis is primarily caused by the ongoing civil wars throughout the country and is only worsened by the recent pandemic and natural disasters in the DRC. Unfortunately, until the underlying causes of these violent conflicts are addressed, the wars are likely to continue, and thus, more Congolese will be forced out of their homes.[31]

The main consequences of these massive displacements are food insecurity, gender-based violence, and health outbreaks. Despite the dire situation in the DRC, the media does not afford this country the attention it needs. This could be caused by "crisis fatigue"; a term used to describe the public becoming desensitized to the state of a country that experiences numerous crises.[32] Ultimately, regardless of the duration of this crisis, the international community must dedicate itself to ensuring the safety and well-being of all displaced Congolese, in and out of the DRC.

[12] *Supra* note 1.
[13] *Supra* note 2.

[14] *Supra* note 2.

[15] *Supra* note 10 at 6.
[16] *Supra* note 2.

[17] See "WFP Democratic Republic of the Congo: Situation Report #51" (2023) at 1, online (pdf): World Food Programme <https://api.godocs.wfp.org/api/documents/527b0e07dca54b23b48ec1ef9e091530/download/?_ga=2.211477205.1323341374.1698803552-1569086822.1698803552>.

[18] *Supra* note 2.
[19] *Supra* note 18.

[20] *Supra* note 10 at 6.
[21] *Supra* note 2.

[22] *Supra* note 18 at 1.

[23] See "Democratic Republic of the Congo" (2023), online: Office for the Coordination of Humanitarian Affairs <https://www.unocha.org/democratic-republic-congo>.

[24] See "DR Congo: An unprecedented crisis goes ignored" (2023), online: Norwegian Refugee Council <https://www.nrc.no/news/2023/august/drc-an-unprecedented-crisis-goes-ignored/>.

[25] *Ibid.*
[26] *Ibid.*

[27] *Ibid.*

[28] See "Aperçu Des Besoins Humanitaires: République Démocratique Du Congo" (2023) at 33, online (pdf): Office for the Coordination of Humanitarian Affairs < https://www.unocha.org/democratic-republic-congo>.
[29] *Supra* note 2.

[30] *Ibid.*
[31] *Supra* note 10 at 7.

32 *Supra* note 4.

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A STATEMENT ON PALESTINIAN SOLIDARITY FROM BLACK LAW STUDENTS AT MCGILL

We, a group of Black law students at McGill, publish this statement in solidarity with the Palestinian people. We do so in honour of the long history of Black-Palestinian solidarity, including the critical role played by Afro-Palestinians in the ongoing fight for Palestinian liberation and self-determination.[1] As diverse Black peoples, we stand with the people of Palestine – both on the ground and in the diaspora - in their struggle against apartheid and settler colonialism. We further recognise that any decolonial or rights-based solidarity work occurring on Turtle Island must begin with acknowledging the genocide and ongoing oppression of Indigenous peoples in this part of the world. As descendants of enslaved peoples as well as African-descendant settlers impacted by imperialism and neocolonialism, we are grateful for the sustained solidarity work that Black and Indigenous communities have engaged in, and recognize this as a source of mobilization moving forward.[2] We also take note of the many Indigenous leaders, organizations, youth, scholars and activists who have expressed their solidarity with the Palestinian people – both historically, and throughout this recent escalation of violence.[3] We also acknowledge the voices of many in the Jewish community who condemn Israel's occupation of, and violence towards, Palestinians. There is a long history of allyship between Black and Jewish peoples. Our abolitionist forebears drew political inspiration and spiritual comfort from histories of Jewish resistance, and we recognize how the horrors of white supremacy have deeply harmed our communities; communities, which bear reminding, are not mutually exclusive, given the existence of Black Jewish peoples around the world. As the devastation being inflicted on the people of Gaza - and Palestinians more broadly - continues to unfold, we aim to draw attention to the long history of solidarity work between diverse peoples. We hope for an espousal of this ethic moving forward as we remain committed to being in solidarity with peoples resisting oppression around the world.

Atrocities, International Law and Solidarity with Palestine

Since October 7, the effects of Israel's heightened assault on Gaza have been beyond severe. As we begin 2024:

- Nearly 30,000 Palestinians have been killed by Israeli forces. This includes almost 12,000 children, over 100 journalists and over 300 medical staff. **In less than three months, over 1/100 Gazans were killed by Israel.**
- Hundreds of Palestinian families have been completely wiped out from the civil registry, meaning the annihilation of ancestral bloodlines.
- Almost 60,000 people have been injured.
- At least 85% of the population has been displaced.
- Tens of thousands of children are now orphans and/or amputees.
- The entire population of Gaza faces imminent threats of starvation and disease.
- More than 65,000 housing units in Gaza have been completely destroyed, and over 290,000 housing units have been damaged by Israeli forces and air strikes.
- Hundreds of educational facilities, hospitals, places of worship, ambulances, and heritage sites have been attacked by Israel, despite being used by the displaced as shelter.[4]

[1] See: *The extensive history of Black and Palestinian solidarity,* https://www.newarab.com/opinion/extensive-history-black-and-palestinian-solidarity*; Afro-Palestinians talk heritage and resistance,* https://www.aljazeera.com/features/2017/8/5/afro-palestinians-talk-heritage-and-resistance;

[2] à See: *Rehearsals for Living* by Robyn Maynard and Leanne Betasamosake Simpson; *There's Something in the Water: Environmental Racism in Indigenous and Black Communities* by Ingrid G. Waldron, *Indigenous and Black communities have a shared past of injustice. They deserve a shared future of justice* by Joy SpearChief-Morris; *Truth, Freedom and Solidarity: A Reflection on Solidarity between Indigenous Peoples and Settler Refugees of Colour* by Sylvia McAdam (Saysewahum) & Sujith Xavier; *Black and Indigenous Solidarity Against Systemic Racism* (Amnesty International Canada: https://www.amnesty.ca/blog/black-and-indigenous-solidarity-against-systemic-racism/);

[3] See: *Settler Moves to Indigeneity: From Canada to Israel (Nov. 2023),* https://yellowheadinstitute.org/2023/11/14/settler-moves-to-indigeneity-canada-israel/; Assembly of First Nations backs permanent Gaza ceasefire, https://www.readtheorchard.org/p/assembly-of-first-nations-delegates-cbf*; From Kanien'kehá:ka to Palestine: the familiar refrain of colonial violence and the cost of silence: An Indigenous view on Israeli's colonization of Palestinians, by Katsi'tsakwas Ellen Gabriel (*https://ricochet.media/en/3999/from-kanienkeha-ka-to-palestine-the-familar-refrain-of-colonial-violence-and-the-cost-of-silence*);* Gabrielle Fayant on behalf of Indigenous-led youth organization Assembly of Seven Generations, Humanitarian Remarks at Press Conference on Gaza (https://www.youtube.com/watch?v=yFOW7K6wtcA)

[4] See: *Hostilities in the Gaza Strip and Isreal - reported impact I Day 85* (United Nations Office for the Coordination of Humanitarian Affairs), https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-85; *'Ten weeks of hell' for children in Gaza: UNICEF*, https://news.un.org/en/story/2023/12/1144927*, Nearly 30,000 Palestinians Killed during 82-day Israeli genocide in Gaza,* https://euromedmonitor.org/en/article/6064/Nearly-30,000-Palestinians-killed-during-82-day-Israeli-genocide-in-Gaza#:~:text=Nearly%2030%2C000%20Palestinians%20killed%20during%2082%2Dday%20Israeli%20genocide%20in%20Gaza,-27%20Dec%202023&text=The%20death%20toll%20of%20Israel%27s,Euro%2D-Med%20Human%20Rights%20Monitor.; *Starvation as weapon of war being used against Gaza civilians*, https://www.oxfam.org/en/press-releases/starvation-weapon-war-being-used-against-gaza-civilians-oxfam;

- Palestinians in the occupied West Bank have been killed and/or detained illegally without charges.[5]

As students of law and witnesses to history, we are cognizant of the fact that Israel, with the support of Canada, has broken international law since reprisals began on October 9th. Despite Israel's assertions that any military action is targeted at the elimination of Hamas, several diplomats,[6] scholars,[7] world leaders,[8] and jurists,[9] have had the courage to call this what it is: collective punishment of civilians and the ethnic cleansing of Gaza, therefore meeting the criteria for genocide. Under Article 2 of the UN 1948 Genocide Convention, genocide is defined as "acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such." Those acts are not limited to killing members of the group — causing "serious bodily or mental harm" or "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part" also constitute genocide. While there is ongoing debate about whether Israel's actions in Gaza meet the requisite intent, to dispute whether the evidentiary threshold for genocide is met fails to see the broader context: atrocities are meant to be stopped *before* the genocidal project has been completed. To equivocate on the term "genocide" is to engage in a politics of denial at the expense of naming and stopping the ongoing violence against Palestinians.

Gaza has been rendered essentially uninhabitable. In recent weeks and days, Israeli politicians have openly called for the mass resettlement of Palestinians outside of Palestine[10]; a further indication that ethnic cleansing forms a foundational part of Israeli state policy. Racially discriminatory language reinforcing orientalist tropes continues to be used by Israeli politicians, officials and settlers in ways that equate Palestinians to terrorists and to being sub-human. Such framings rationalize and normalize mass Palestinian dispossession, elimination and dehumanization; even finding momentum within Canadian politics. As legal academic and journalist, Azeezah Kanji reports:

> *On October 17, just hours after the Al-Ahli hospital bombing, all four Canadian federal party leaders spoke at a conference alongside a "leading human rights attorney" who had posted a cartoon depicting Palestinians as cockroaches. When Israeli political and military leaders describe Palestinians as "vermin," a "cancerous manifestation," "roaches," "grasshoppers" to be "crushed," "little snakes," and now "human animals," extermination becomes a logical "solution."*[11]

Thus, devastatingly, despite calls from the majority of the international community for a permanent ceasefire, Israel's attacks on Gaza -- as well as heightened military and settler violence in the West Bank -- continue, enabled by the United States, and in violation of international law. This response defies the aims and commitments made by the international community; particularly those established post-WWII and through the Geneva Convention. Fundamental principles such as the distinction between combatants and non-combatants, legitimate targets and civilian infrastructure, proportionality in the use of force, and the prohibition of torture and inhumane treatment is not soft law – it is specific and legally-binding. Given Israel's consistent eschewal of the laws of war and peace, the scale of Israel's destruction of civilian infrastructure, and the widespread disease, injury, and death of civilians, the only immediate response that can prevent further mass death and catastrophic humanitarian conditions in Gaza is an enduring and unconditional ceasefire.

As diverse Black peoples, our solidarity with Palestinians is grounded in our intimate and shared understandings of settler/colonialism, forced displacement, apartheid, genocide, occupation and racial discrimination. As future lawyers, we understand how international law has been used - and misused - against Black and African peoples. We recognize the asymmetrical application of international law as it relates to Palestinians for over 75 years; including a 16 year siege on Gaza which amounted to collective punishment *prior* to October 7, and the ongoing *illegal* establishment of settlements in occupied territories.[12] For decades, Palestinians have been subjected to unlawful attacks and killings, lack of freedom of movement, forced evictions, arbitrary detention, torture, sexual assault and ill-treatment, lack of freedom of association and expression, suppression of their right to self-determination, and denial of their right to return; all inflicted explicitly through Israeli state

[5] *Israeli troops kill 12 Palestinians, desecrate West Bank mosque*, https://www.reuters.com/world/middle-east/three-palestinians-killed-by-israeli-forces-raid-jenin-health-ministry-2023-12-14/

[6] https://www.aljazeera.com/news/2023/11/2/qa-former-un-official-craig-mokhiber-on-gaza-and-genocide

[7] https://opiniojuris.org/2023/10/18/public-statement-scholars-warn-of-potential-genocide-in-gaza/

[8] https://www.cbc.ca/news/world/genocide-gaza-debate-1.7042809

[9] See eg. https://www.theguardian.com/world/2023/oct/27/british-lawyers-call-on-government-to-press-for-ceasefire-in-gaza; https://www.aa.com.tr/en/europe/netherlands-lawyers-jurists-urge-israel-to-stop-human-rights-violations-illegal-occupation-of-palestine/3032519; https://www.democracynow.org/2023/10/12/israel_international_law

[10] https://www.jpost.com/opinion/article-779510; https://www.timesofisrael.com/intelligence-ministry-concept-paper-proposes-transferring-gazans-to-egypts-sinai/

[11] *The Architecture of Anti-Palestinian Elimination* (Yellowhead Institute Brief), by Azeezah Kanji, October 25, 2023, https://yellowheadinstitute.org/2023/10/25/architecture-of-anti-palestinian-elimination/; *The "Civilized World" and its Genocides: Gaza's Colonial Precedents* (Yellowhead Institute Brief), by Azeezah Kanji, November 23, 2023, https://yellowheadinstitute.org/2023/11/23/the-civilized-world-and-its-genocides-gazas-colonial-precedents/

[12] See: *What is the Nakba? Day of catastrophe for Palestinians, explained,* https://www.middleeasteye.net/news/what-is-nakba-palestine-israel-conflict-explained-1948;

law and policy.[13] This dynamic has been further amplified since October 7. However, it is important to note that since October, over 800 international law and genocide scholars have warned of genocide in Gaza.[14] Human rights nonprofit, Law for Palestine, released a database with 500+ instances of *publicly available* incitements to genocide coming from Israeli decision-makers, army personnel and officers, and legislators.[15] International state crime experts released a statement noting that the evidence indicates that the violence being inflicted on the Palestinian people by Israel has reached the annihilation phase of genocide.[16] Further, a growing number of lawyers and legal scholars in Canada and internationally, publicly affirm that "[t]erms such as "occupation," "apartheid," and "genocide" have established legal meanings, applicable to Israel's actions and practices towards Palestinians."[17] These are terms which have been applicable since before October 7.

We recognize that October 7 inflicted collective trauma on the Jewish people. We grieve the Israeli and non-Israeli victims and hostages taken on that day and recognize that Hamas' actions violated international law. But we cannot let our grief shield us from the present reality faced by Palestinians, nor ignore decades of oppression, segregation, apartheid, and the vast power imbalances that shape the relationship between Israel and Palestine. Echoing the sentiments of Jewish author and activist Sarah Schulman, we refuse to accept bad-faith arguments that cast the contextualization of "[the] order of events and consequences of prior actions" as mere excuses.[18]

The Role of International Courts and International Solidarity

On December 29, 2023, the Republic of South Africa instituted proceedings against the State of Israel at the International Court of Justice (ICJ), characterizing the acts and omissions by Israel through its State organs, agents, and other persons and entities on its instruction as "genocidal in nature" and with the intent to "destroy Palestinians in Gaza as a part of the broader Palestinian national, racial and ethnic group" in violation of its obligations under the Genocide Convention.[19] Furthermore, the Application also states that "Israel, since 7 October 2023 in particular… has failed to prosecute the direct and public incitement to genocide" exhibited by State officials.[20] As a result, the Application includes requests to

[13] See: *Israel and Occupied Palestinian Territories 2022,* https://www.amnesty.org/en/location/middle-east-and-north-africa/israel-and-occupied-palestinian-territories/report-israel-and-occupied-palestinian-territories/*; Open-Fire Policy,* https://www.btselem.org/firearms*; Israel/OPT: Pattern of unlawful killings reveals shocking disregard for human life,* https://www.amnesty.org/en/latest/news/2016/09/israel-opt-pattern-of-unlawful-killings-reveals-shocking-disregard-for-human-life/*; West Bank: Spike in Israeli Killings of Palestinian Children,* https://www.hrw.org/news/2023/08/28/west-bank-spike-israeli-killings-palestinian-children*; Coercive Environments: Israel's Forcible Transfer of Palestinians in the Occupied Territory,* https://www.ohchr.org/sites/default/files/Documents/Issues/Housing/SubmissionsCFIhousingdiscrimin/BADIL-CoerciveEnvironments.pdf*; Israel/OPT: Horrifying cases of torture and degrading treatment of Palestinian detainees amid spike in arbitrary arrests,* https://www.amnesty.org/en/latest/news/2023/11/israel-opt-horrifying-cases-of-torture-and-degrading-treatment-of-palestinian-detainees-amid-spike-in-arbitrary-arrests/*; UN Committee Against Torture, "Concluding observations on the fifth periodic report of Israel,"* https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsmEKqNhdzbzr4kqou1ZPE79BvBJe97SSM1KP2v4ng3Dhx74ohsby7x4AlEgvGhwtvav7rPvZmtwpwObldkyK%2BM9cNY7svWLlYmp6PB4chW8O*; Putting Palestinians "On a Diet": Israel's Siege & Blockade of Gaza,* https://imeu.org/article/putting-palestinians-on-a-diet-israels-siege-blockade-of-gaza*; 10 things you should know about the evictions in East Jerusalem,* https://www.nrc.no/perspectives/2021/10-things-you-should-know-about-the-evictions-in-east-jerusalem/*; Silwan: 170 members of a Palestinian family face eviction in three neighbourhoods,* https://www.middleeasteye.net/news/israel-palestine-silwan-eviction-families*; Israeli soldiers not allowed off shift until 50 Palestinians are added to database,* https://www.middleeasteye.net/news/israel-palestine-soldiers-not-allowed-off-shift-added-database*; Israeli settlers gathered in occupied Jerusalem chanting, "Death to Arabs! Death to Arabs!",* https://twitter.com/theIMEU/status/1516841789185040385*; During Ramadan, Israel Seems to Relish Attacking Palestinians,* https://jacobin.com/2022/04/ramadan-palestine-israel-security-forces-attack-occupation-holy-month-islam

[14] *Public Statement: Scholars Warn of Potential Genocide in Gaza, TWAILR, October 17, 2023*, https://twailr.com/public-statement-scholars-warn-of-potential-genocide-in-gaza/

[15] *Law for Palestine Releases Database with 500+ Instances of Israeli Incitement to Genocide – Continuously Updated,* https://law4palestine.org/law-for-palestine-releases-database-with-500-instances-of-israeli-incitement-to-genocide-continuously-updated/

[16] *International Expert Statement on Israeli State Crime,* http://statecrime.org/international-expert-statement-on-israeli-state-crime/

[17] *Palestinian rights advocacy and international law, December 15, 2023,* https://www.alexneve.ca/blog/palestinian-rights-advocacy-international-law*; See also: Report of the Independent International Fact-Finding Mission,* https://www.icj-cij.org/sites/default/files/case-related/186/186-20230623-req-02-01-en.pdf*; Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory,* https://www.icj-cij.org/case/131*; What does the law say about the responsibilities of the Occupying Power in the occupied Palestinian territory?,* https://www.icrc.org/en/document/ihl-occupying-power-responsibilities-occupied-palestinian-territories*; Israel's apartheid against Palestinians: Cruel system of domination and crime against humanity,* https://www.amnesty.org/en/documents/mde15/5141/2022/en/*; A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution,* https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution#_ftn3*; Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel,* https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiopt/2022-10-19/Report-COI-OPT-14Sept2022-EN.pdf*;*

[18] Sarah Schulman, "Explanations are not Excuses" New York Magazine (16 October 2023), online: <https://nymag.com/intelligencer/2023/10/israel-gaza-war-manufactured-consent.html>.

[19] https://www.icj-cij.org/case/192

[20] https://www.icj-cij.org/case/192

institute provisional measures in order to "protect against further, severe and irreparable harm to the rights of the Palestinian people under the Genocide Convention" and "to ensure Israel's compliance with its obligations under the Genocide Convention not to engage in genocide, and to prevent and to punish genocide". Over 800 scholars have signed a public statement supporting South Africa's submission.[21]

South Africa is a country and a people with intimate experiences of apartheid, settler colonialism and racial violence; including expertise as to what efforts are necessary to dismantle these types of violent regimes. Their recent international legal intervention should attract heightened attention to all those opposed to this type of systemic oppression and serve as a model for other nations. Their intervention reflects a sustained history of oppressed peoples and nations mobilizing, within the international legal arena, against colonial structures in acts of transnational solidarity, as evidenced from the transnational solidarity movement that led to the eradication of the apartheid regime in South Africa. At the time of submitting this statement for publication, the oral arguments at the ICJ are ongoing. However, we encourage our fellow law students to watch the proceedings[22] and to take note of the sophistication, thoroughness, precision and adherence to legal reasoning and perspective expressed by South Africa's legal team. For the Palestinians of Gaza, a finding by the Court supporting (at the very least) the provisional measures requested by South Africa is necessary. Given the speed, scope and scale of the devastation that has already taken place, it would defy legal, moral and practical reasoning should these provisional measures not be instituted. The outcome of this Application, including a legal decision on what acts are deemed punishable, will have profound effects on the theory and practice of international law moving forward.

On Palestine, Solidarity and Institutional Complicity

We condemn the long-standing institutional discrimination and persecution of Palestinians and Palestinian supporters by the State of Israel, and the complicity of various Canadian and Quebec institutions, including governments and the media. The recent reporting that Ontario's Ministry of the Attorney General is screening law students from Toronto Metropolitan University - with current or upcoming employment opportunities - who have openly expressed solidarity with Palestine, is reflective of a broader dynamic of institutional censorship within Canadian industries such as law, media, healthcare and the service sector, to name a few[23]. As law students, this should be deeply concerning not only for those who express pro-Palestinian views, but also for those who claim to support freedom of expression.

We are also troubled by the stance McGill and many other universities on Turtle Island have taken in response to students who stand in solidarity with Palestinians. We cannot help but recall that when trans-exclusionary scholar Robert Wintemute came to speak at OCDH last year, our Faculty emphasized the importance of exposing students to a wide range of perspectives, even if those ideas challenge prevailing beliefs. In particular, Dean Leckey emphasized the importance of protecting the rights of students, Faculty, and guest speakers to share viewpoints, even if those perspectives are controversial. Yet, through its communications since October, McGill has noticeably stifled pro-Palestinian advocacy, omitted Palestinian suffering, and persistently maligned and attempted to silence those of us who reject racist, orientalist characterizations of Palestinians as an inherently sub-human, terroristic and anti-Semitic people. We are discouraged by the recent threats by McGill towards SSMU regarding the 'Policy Against Genocide in Palestine' referendum; which had the largest turn out in SSMU referendum history. The university's threat to terminate the MoA if SSMU ratified the referendum results speaks to a broader pattern of institutional and legal attempts to silence pro-Palestinian efforts, including those advanced through democratic processes[24]. We remind the McGill administration that human rights are inalienable and inherent. Their protection should absolutely not be contingent upon the corporatist agenda of a neoliberal university.

As Black law students committed to advocacy and liberation, we draw lessons from the experiences of those who came before us, such as those at McGill who maintained strength in their divestment campaigns against apartheid in South Africa, and those who peacefully protested in the Sir George Williams affair; despite institutional opposition. We carry forward their commitment to justice and refusal to be silent.

[21] Public Statement: Scholars support South Africa's submission to the International Court of Justice against Israel for violations of the 1948 Genocide Convention, https://twailr.com/public-statement-scholars-support-south-africas-submission-to-the-international-court-of-justice-against-israel-for-violations-of-the-1948-genocide-convention/?fbclid=IwAR26o-E9VENfc3n9-qCtUTTDowgE8VwCJRs7hcKUvCwYFCfejwtIqmHfJsZg

[22] UN Web TV, https://webtv.un.org/en/asset/k11/k11gf661b3

[23] See: 'Chilling effect': People expressing pro-Palestinian views censured, suspended from work and school, https://www.cbc.ca/news/canada/chilling-effect-pro-palestinian-1.7064510; Ontario government screened law students who signed pro-Palestine letter, https://breach-media.ca/ontario-government-screened-law-students-who-signed-pro-palestine-letter/; *Israel/Palestine: Facebook Censors Discussion of Rights Issues (2021)*, https://www.hrw.org/news/2021/10/08/israel/palestine-facebook-censors-discussion-rights-issues#;

[24] See: *B'nai Brith seeks to halt McGill referendum on pro-Palestinian policy,* https://imeu.org/article/an-overview-apartheid-south-africa-israel; https://montrealgazette.com/news/local-news/bnai-brith-seeks-to-halt-mcgill-referendum-on-pro-palestinian-policy; *Quebec court orders pause to ratification of McGill student union pro-Palestine vote,* https://montreal.ctvnews.ca/mobile/quebec-court-orders-pause-to-ratification-of-mcgill-student-union-pro-palestine-vote-1.6656143?cache=y;

On the Difficult, but Necessary, Work of Solidarity

Over the last few months, we have been deeply disturbed and dispirited by the actions and statements of some of our peers at the Faculty who have *openly* belittled and debased Black and African liberation leaders for their support of the Palestinian cause. We invite our fellow law students to reflect on the histories, lived experiences, expertise, and contexts through which these relationships of transnational solidarity emerged. Importantly, we write this statement in recognition of the difficult - but necessary - work needed to sustain solidarity efforts in the face of ongoing oppression.

To that end, we stand in solidarity with Gazans, Palestinians, and all oppressed peoples around the world resisting colonial legacies. Indeed, while the subject of this piece is to express Black solidarity with Palestine, at the time of writing, there are many ongoing genocides/atrocities happening across the world; in Sudan, Ethiopia, the Democratic Republic of Congo, and Burma/Myanmar to name a few. Each of these conflicts, though geographically dispersed, are connected through the legacies of Western imperialism, global capitalist systems of exploitation, and institutionalized dehumanization of minority and racialized groups. Rather than being relegated to being mentioned only as rhetorical tools for *whataboutism*, we firmly believe that each crisis warrants further attention, advocacy, and action from law students and the international legal community. We hope that in doing so, solidarity efforts with other causes are not undermined, villainized, and met with the same bad faith accusations as Palestinian solidarity has been.

As Black law students, we join our voices with Law Students for Palestine at McGill, and the many student groups at McGill and around the world calling for law students to stand for Palestinian rights and liberation. We encourage anyone who took the time to read this statement to reflect on your role as law students, to learn, and to speak up. The knowledge of the law is a privilege and a responsibility. As future legal professionals, we must use it thoughtfully and deliberately to combat instances of gross injustice.

To our fellow Palestinian students, we see you, we value you, and we stand in solidarity with you.

'*Amandla! Ngawethu!*'

What are *Overheards*?

Overheards are anonymously submitted quotes and jokes overheard by your fellow McGillians at the Faculty of Law. Send us your favourite memes of the week by Thursday at 5pm and let us share the laughter with the Quid Novi community!

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